UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,918	03/14/2002	John H. Oates	0102323-00103	3586

21125 7590 03/21/2006	EXAMINER
NUTTER MCCLENNEN & FISH LLP	ODOM, CURTIS B

	ART UNIT	PAPER NUMBER
NUTTER MCCLENNEN & FISH LLP WORLD TRADE CENTER WEST 155 SEAPORT BOULEVARD BOSTON, MA 02210-2604	2611	

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		10/099,918	OATES ET AL.
		Examiner	Art Unit
		Curtis B. Odom	2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>14 March 2002</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-19</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,5 and 10</u> is/are rejected.

7)☐ Claim(s) <u>2-4, 6-9, and 11-19</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>3/14/2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1.   The information disclosure statement filed 6/13/2002 fails to comply with 37 CFR

1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent

literature publication or that portion which caused it to be listed; and all other information or that

portion which caused it to be listed. It has been placed in the application file, but the information

referred to therein has not been considered.

Specification

2.   The disclosure is objected to because of the following informalities: Throughout the

specification "process" is suggested to be changed to "processor" and "processes" is suggested to

be changed to "processors". Appropriate correction is required.

Claim Objections

3.   Claims 1-19 are objected to because of the following informalities:

        a.   In claims 1-19, "process" is suggested to be changed to "processor" and

"processes" is suggested to be changed to "processors".

b.   In claims 1, 10, and 17, "(hereinafter "user waveforms")" is suggested to be

changed to "(user waveforms)".

c.   In claim 17, "tranlates" is suggested to be changed to "translates".

Appropriate correction is required.

d.   In claim 18, "each of the second processes" is suggested to be changed to "the

second processor".

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1, 5, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Litton

et al. (U. S. Patent No. 5, 576, 715) in view of Yamazaki et al. (U. S. Patent No. 5, 812, 843).

Regarding claim 1, Litton et al. discloses a communications device (Fig. 1) for detecting

user transmitted symbols encoded in spread spectrum waveforms (column 1, lines 37-50,

wherein transmitting signals using pseudorandom codes produces spread spectrum signals)

comprising:

a first processor (Fig. 1, block 25, column 8, lines 7-20) executing a first set of com-

munication tasks (generating timing and control information) for detecting user transmitted

symbols encoded in the user wave-forms,

a second processor (Fig. 1, block 21, column 8, lines 7-20) executing a second set of communication tasks (column 8, line 56-column 9, line 15) for detecting user transmitted symbols encoded in the user waveforms;

a protocol translator (Fig. 1, block 27, column 8, lines 7-20) coupled to the first and second processes and translating communications in between,

the first processor (column 8, lines 7-20) sending to the second processor via the protocol translator a set of executable instructions (column 10, line 63-column 11, line 7, timing and control information) for performing at least a portion of the second set of communication tasks.

Litton et al. does not disclose the processors operate under different operating systems.

Yamazaki et al. discloses entering a task to a first processor operating under an operation system and executing the task using a second processor operating under a different operating system by providing compatibility between the processors (column 1, lines 37-45). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to allow the device of Litton et al. to utilize processors operating under different operating systems as shown by Yamazaki et al. in order to afford system the capability of handling different types of software (see Potter, U. S. Patent No. 5, 809, 262, column 6, lines 1-6).

Regarding claim 5, which inherits the limitations of claim 1, Litton et al. further discloses the first processor sends information to the second processor for configuration therof (column 10, line 63-column 11, line 7), wherein the timing information configures the replica code of the baseband processor.

Regarding claim 10, Litton et al. discloses a communications device (Fig. 1) for detecting

user transmitted symbols encoded in spread spectrum waveforms comprising:

a first processor (Fig. 1, block 25, column 8, lines 7-20) executing a first set of communication tasks (generating timing and control information) for detecting user transmitted symbols encoded in the user waveforms;

a plurality of second processors (Fig. 1, block 21, column 8, lines 7-20) executing a second set of communication tasks (column 8, line 56-column 9, line 15) for detecting user transmitted symbols encoded in the user waveforms;

a protocol translator (Fig. 1, block 27, column 8, lines 7-20) coupled to the first and second processors and translating communications in between,

the first processor (column 8, lines 7-20) sending to each second processor via the protocol translator a set of executable instructions (column 10, line 63-column 11, line 7, timing and control information) for performing at least a portion of the second set of communication tasks.

Litton et al. does not disclose the processors operate under different operating systems.

Yamazaki et al. discloses entering a task to a first processor operating under an operation system and executing the task using a second processor operating under a different operating system by providing compatibility between the processors (column 1, lines 37-45). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to allow the device of Litton et al. to utilize processors operating under different operating systems as shown by Yamazaki et al. in order to afford system the capability of handling different types of software (see Potter, U. S. Patent No. 5, 809, 262, column 6, lines 1-6).

Allowable Subject Matter

6.   Claims 17-19 are allowable over prior art references (if above objections are overcome) because related references do not disclose detecting spread spectrum waveforms using first and second processors operating under different operating systems, wherein the first processor provides instructions to a protocol translator for determining how communication between the first and second processor is translated.

7.   Claims 2-4, 6-9, 11-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Volmer et al. (U. S. Patent No. 6, 064, 689) discloses a first and second processor including generating a matrix using the second processor based on information received from the first processor.

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Curtis B. Odom whose telephone number is 571-272-3046. The examiner can normally be reached on Monday- Friday, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Curtis Odom
March 13, 2006

JAY K. PATEL
SUPERVISORY PATENT EXAMINER